

**Stow Conservation Commission
Minutes
December 21, 2021**

A meeting of the Stow Conservation Commission was held on December 21, 2021 at 7:30 in the evening remotely VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Matt Styckiewicz, Vice Chair
Jeff Saunders
Ingeborg Hegemann Clark
Liza Mattison
Holly Clack

Absent: Serena Furman, Chair
Doug Morse

Also Present: Kathy Sferra, Conservation Coordinator
Jacquie Goring, Conservation Assistant

Matt Styckiewicz called the meeting to order at 7:30 pm.

Minutes

Jeff Saunders moved to approve the minutes of December 7, 2021 as written. Holly Clack seconded and the motion was approved unanimously (5-0) on a roll call vote.

Review/Approve Red Line Change to Approved Plan – Lot 7A Hallock Point Road – DEP#299-657A –
Kathy Sferra shared a plan of the proposed red line change to move the proposed well location. Sferra visited Lot 7A and met with the developer and the tree company to review the tree cutting. Sferra noted that the developer would like to relocate the well which was designed farther from the house on the slope towards the lake and outside the erosion controls. The revised well location will still be within the 100' buffer but in a more accessible location. Sferra also reviewed the erosion control line on the lot and recommended that the location of the line be revised in the field to follow the contour to prevent erosion towards the lake and keep the limit of work and tree clearing further from Town property. Sferra recommended approval of the red line change. The Commission confirmed that the revised well location would not interfere with surrounding septic systems and wells. *Liza Mattison moved to approve the red line change. Jeff Saunders seconded and the motion was approved unanimously (5-0) on a roll call vote.*

Discussion/Vote – 106 North Shore Drive – Discussion of Past Unpermitted Work – Sferra noted that the new owner of 106 North Shore Drive contacted the office regarding an exempt minor project when it was discovered that a significant amount of work on the property was done without a permit by a previous owner. The unpermitted work includes decking and a dock. The property owner contacted

relatives of the previous owner and confirmed that the work was likely done between 2000 and 2001. The property owner also provided photos of the work. Sferra noted that the decking does not extend out over the lake as was previously thought. Sferra confirmed that the work is 20 years old and there is no file or Chapter 91 license. The Commission agreed that the current property owner should file for a Chapter 91 license.

Discussion/Vote – Order of Conditions – 267 Sudbury Road – DEP#299-706 – The Commission discussed the lack of information submitted for the garage and dock. The Commission had concerns about allowing additional plans to be submitted after the permit is issued without the opportunity for abutter comment. Sferra noted that she did receive an additional letter from an abutter with more questions but did not provide it to the Commission because the hearing is closed. Sferra noted that if the garage or dock is denied the applicant could file a new Notice of Intent (NOI) or request to amend the Order and both would require abutter notification and a public hearing. The Commission agreed that the garage and dock projects should be denied but asked to clarify in the Order that the projects were denied for lack of information and not because the work does not meet the performance standards in the Act. The Commission reviewed a draft decision and discussed the unpermitted fire pit within the 35' no disturb buffer. The Commission agreed that the waiver for work in the 35' no disturb buffer should be granted because of the proposed restoration of a portion of the 35' no disturb buffer which will improve stormwater discharge to the lake. The Commission also requested the Order include a condition that the existing unpermitted fire pit cannot be improved or expanded without further permitting. *Ingeborg Hegemann Clark moved to approve the Order as amended. Liza Mattison seconded and the motion was approved unanimously (4-0) on a roll call vote, with Jeff Saunders abstaining.*

Discussion/Vote – SCT/Kalousdian Land – Possible Encroachment and Survey – Sferra informed the Commission of a possible encroachment of landscaping and a fire pit on Kalousdian Land, now owned by Stow Conservation Trust (SCT) with a Conservation Restriction (CR) held by the Commission. Sferra stated that after discussion with the property owner, SCT and staff have agreed to hire a licensed surveyor among the three parties to survey the property line and locate it in the field. Sferra requested the Commission vote to approve up to \$2,500 be spent towards the cost of the survey from the Conservation Fund. Sferra reviewed a map of the property and photos from the site visit. None of the parties will accompany the surveyor during their work and a site visit will be scheduled with the surveyor after the property line has been located. It was noted by a member of the Commission that it is disappointing that the Commission will have to bear a portion of the cost of the survey for a possible encroachment onto Conservation Land. *Ingeborg Hegemann Clark moved to approve up to \$2,500 from the conservation fund for the survey. Liza Mattison seconded and the motion was approved unanimously (5-0) on a roll call vote.*

Discussion – Open Space and Recreation Plan Update – Sferra has been assembling a list of potential interested parties and suggested having a small working group with formal advisors to read sections of the plan and provide feedback. Sferra reviewed the differences between a subcommittee and working group as well as the plan to have surveys, public hearings, and forums. The Commission noted the

benefit of a working group. Sferra noted the need to update the plan to hear from new residents about needs for open space and recreation.

Preliminary Discussion – Fiscal Year 2023 Budget – Sferra noted that she will bring the draft budget and budget memo to approve at the next meeting. Sferra noted that she does not think there will be any significant changes to the budget and is evaluating the seasonal trail steward position for next year. Sferra added that the trail steward position was funded from the Conservation Fund this year and may include it in the budget for next year. Sferra added that the Massachusetts Association of Conservation Commission dues increased this year but travel expenses will likely continue to be down.

Staff and Commission Member Updates

- EPA granted OARS the request for modification to the Marlborough Wastewater Treatment permit.
- The closing for the Stow Acres CR is scheduled for December 28, 2021.
- A Stow Girl Scout troop contacted staff about posting pollinator information in kiosks, on the Town's website, and putting up a wild bee house.
- The Commission discussed a request for an emergency certification for headwall repairs and two Requests for Determination of Applicability (RDA) for a wood processing operation and access road at Minute Man Airfield. The Commission discussed the request for emergency certification and recommended that a NOI be filed for the headwall repairs. The Commission also discussed the RDAs with work proposed in floodplain and the 35' no disturb buffer, including repair of a culvert in a stream. The Commission agreed that the Determinations, with work proposed in resource areas protected by the Act and Bylaw, would likely result in a positive determination and recommended a NOI be filed.

At 9:00 PM, Liza Mattison moved to adjourn, Holly Clack seconded and the motion was approved unanimously (5-0) on a roll call vote.

Respectfully submitted,

Jacquelyn Goring, Conservation Assistant

Materials Used at Meeting

Meeting Packet

Lot 7A Hallock Point Road revised plans

106 North Shore Drive photos

267 Sudbury draft decision